

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CHRISTOPHER GLENN DEGRACIA
LUCAS,

Plaintiff,

v.

Case No: 6:23-cv-224-ACC-LHP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT:

This cause came on for consideration without oral argument on the following
motion filed herein:

**MOTION: DEFENDANT'S UNOPPOSED MOTION FOR
ENTRY OF JUDGMENT UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g) WITH REVERSAL AND
REMAND OF THE CAUSE TO THE DEFENDANT
(Doc. No. 20)**

FILED: August 2, 2023

THEREON it is RECOMMENDED that the motion be GRANTED.

The Commissioner of Social Security moves to remand this case pursuant to sentence four of 42 U.S.C. § 405(g), so that the following may occur:

On remand, the Appeals Council will instruct the Administrative Law Judge to: (1) provide plaintiff the opportunity to examine post-hearing evidence in accordance with HALLEX I-2-7-1; (2) offer Plaintiff the opportunity for a hearing; (3) take any further action needed to complete the administrative record; and (4) issue a new decision.

Doc. No. 20, at 1. Plaintiff does not object to the motion. *Id.*

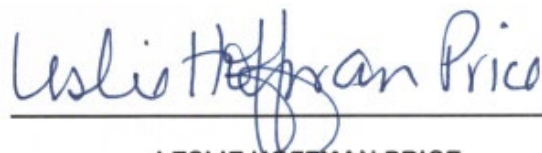
Upon consideration, the undersigned finds the request well taken. *See* 42 U.S.C. § 405(g). Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

1. **GRANT** Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant (Doc. No. 20);
2. **REVERSE** and **REMAND** the final decision of the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), for the above-state reasons; and
3. **DIRECT** the Clerk of Court to enter judgment in favor of Plaintiff and against the Commissioner, **TERMINATE** all other pending motions as moot, and thereafter **CLOSE** this case.

NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

Recommended in Orlando, Florida on August 3, 2023.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy